IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 30320 of 2005(H)

PETITIONER:

SIBY KURIEN, LECTURER SELECTION GRADE
DEPARTMENT OF PHYSICS, SB COLLEGE,
CHANGANASERRY, KOTTAYAM DISTRICT.

BY ADV. SRI.B.MOHANLAL
SMT.MEREENA JOSEPH
SMT.M.M.POORNIMA

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, SECRTARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOTTAYAM.

3. THE REGISTRAR, MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA
SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/06 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ORDER NO.A.C.BV/2/314/02 DTD.13-06-02 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.**
EXT.P2	**TRUE COPY OF THE ORDER NO.A.C.BV/2/742/2004 DATED 7/1/05 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.**
EXT.P3	**TRUE COPY OF THE COMMUNICATION NO.G8-923/04 DATED 4/2/05 ISSUED BY THE PRINCIPAL, S.B.COLLEGE, CHANGANASERRY TO THE SECOND RESPONDENT.**
EXT.P4	**TRUE COPY OF THE ORDER NO.C3/1459/05 DATED 20/05/05 ISSUED BY THE SECOND RESPONDENT TO THE PRINCIPAL, S.B.COLLEGE CHANGANASERRY**
EXT.P5	**TRUE COPY OF THE G.O.(MS)NO.209/96/H.EDN. DTD. 24/12/96.**
EXT.P6	**TRUE COPY OF THE JUDGMENT IN W.P.C.NO.3007/05 DTD.28/1/05 OF THIS HONOURABLE COURT.**
EXT.P7	**TRUE COPY OF THE COMMUNICATION NO.A.C.BV-2-742-04 DTD. 11/09/06 ISSUED BY THE THIRD RESPONDENT.**

RESPONDENT'S EXHIBITS

EXT.R3(A)	**TRUE COPY OF THE ORDER NO.B.V.-1/798/05 OF THE UNIVERSITY.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.C.No.30320 OF 2005

Dated this the 22nd day of November,2006.

JUDGMENT

The case of the petitioner is as follows. By Ext.P2, the Syndicate Sub-Committee on Affiliation at its meeting held on 25-11-04 has resolved to approve provisionally the promotion of the petitioner as Lecturer Senior Scale in Physics with effect from 22-10-2001 FN. Ext.P4 is the communication from the Deputy Director. There is direction to review the approval of promotion and furnish details to the office. Ext.P5 is the Government order relied on by the petitioner. Petitioner has approached this court challenging Ext.P4. Learned counsel for the petitioner would contend that the issue is covered by the judgment of this court in W.P.C.No.10614/06.

2. In the counter affidavit filed on behalf of the second respondent, it is stated inter-alia that bills for arrears of salary has not yet been received in the office and only the proposal for verifying the admissibility for placement to the post of Lecturer Selection Grade is received. It is further stated that the case of the petitioner when found inadmissible, it was requested to the University for reviewing the erroneous selection grade already sanctioned to the petitioner, according to the rule in force.

3. Following the judgment referred to above, the writ petition is disposed of directing the second respondent to place his objection to Ext.P2 before the third respondent within one month from the date of receipt of a copy of this judgment. On receipt of the same, third respondent will meticulously consider the objections of the second respondent and take a reasoned decision in accordance with law within a period of three weeks from the date of receipt of the objection. The decision taken shall be communicated to the petitioner and to the second respondent. If the University reiterates its stand in Ext.P2, the third respondent shall be bound to act in accordance with the judgment reported in **Cherian Mathew v. Principal, S.B.College, Changanassery** (1998(2)KLT 144). and the monitory benefits payable to the petitioner on the basis of the same shall be paid without any further delay. A copy of this judgment shall be communicated to the third resondent.

Writ petition is disposed of as above.

K.M.JOSEPH.
JUDGE.

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